



March 11, 1999

Mr. Eric M. Bost
Commissioner
Texas Department of Human Services
P.O. Box 149030
Austin, Texas 78714-9030

OR99-0692

Dear Mr. Bost:

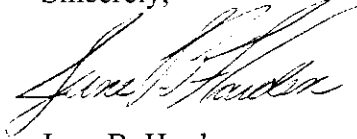
You ask this office to reconsider our ruling in Open Records Letter No. 98-3290 (1998). Your request for reconsideration was assigned ID# 123304.

The Texas Department of Human Services (the "department") received a request for information regarding job posting SC-211-98-286. In Open Records Letter No. 98-3290, this office concluded that the department could not withhold the requested information under section 552.122 of the Government Code because the department had failed to timely request a ruling from this office. In your request for reconsideration, you argue that our acknowledgment form confirms that this office received your request for a decision within the statutory time period. *See* Gov't Code § 552.301.

The request for information was submitted to the department on October 1, 1998. Your request for a decision from this office is *dated* October 15, 1998, which is precisely ten business days after the department received the request for information. However, your request for a decision was transmitted via facsimile and received by this office on October 20, 1998. Furthermore, the acknowledgment form only states that this office received your correspondence *dated* 10/15/98," not that this office *received* your correspondence on October 15, 1998. After reviewing the information presented, we conclude that you have not furnished satisfactory proof that your request for a decision was submitted to this office within the statutory time period. *See* Gov't Code § 552.308. We, therefore, affirm Open Records Letter No. 98-3290 (1998).

If you have any questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "June B. Harden". The signature is fluid and cursive, with the first name "June" being more prominent.

June B. Harden
Assistant Attorney General
Open Records Division

JBH/ch

Ref.: ID# 123304

Enclosures: Submitted documents

cc: Mr. David Sosa
2012 Arpdale Street
Austin, Texas 78704
(w/o enclosures)